

**TOWN OF OLD LYME
WATER POLLUTION CONTROL AUTHORITY**

**52 LYME STREET
P.O. 160
OLD LYME, CONNECTIUCT 06371**

**TEL (860) 434-1605-x-214
FAX (860) 434-9283**

WPCA REGULATIONS AND ByLAWS

**APPROVED, JUNE 18, 1997
(REVISED THROUGH JULY 21, 2011)**


DIMITRI TOLCHINSKI, CHAIRMAN



LUSIA GROGAN, SECRETARY

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Brief of Contents for Changes to WPCA Regulations

Chg # Eff Date Brief of Contents

- 1 3/23/1998 Community Owned Sewerage Systems (COSS)
- 2 8/7/1998 New Regs and Fees for COSS, Deep Hole Tests and Health Dept Regs
- 3 5/1/2000 Adden new Regs on Alternative / Innovative Sewerage Systems
- 4 7/12/2001 Added new Regs concerning "Late Pumping Fee for Sewerage Systems"
- 5 6/19/2004 Change in pumping interval for Sewerage Systems
- 6 3/7/2006 Added new section - Violations and Penalties
- 7 7/21/11 rescinded change # 5 and reinstate seven year pump out requirement

Table of WPCA Reg Changes.xlsx
spreadsheet

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Section 1. Enabling Ordinance, Ordinance concerning the Regulation and Management of On-Site Sewage Disposal Systems, Responsibilities, Town Plan of Development, Areas of Special Concern, WPCA Goals, Associated Regulations, Enforcement, Adoption of Regulations and Conflicting Provisions.

Section 1A. Enabling Ordinance.

The Old Lyme Water Pollution Control Authority (WPCA) was established by an Ordinance on 28 March 1995, in a Town Meeting convened for that purpose, pursuant to the provisions of Section 7-246 of the General Statutes of Connecticut, as amended. A copy of the Ordinance is contained in Appendix 1 and sections thereof are quoted and/or paraphrased herein.

Section 1B. An Ordinance Concerning the Regulation and Management of On-Site Sewage Disposal Systems.

An ordinance concerning the regulation and management of on-site sewage disposal systems for the Town of Old Lyme was approved on 19 May 1997, in a Town Meeting convened for that purpose. A copy of the ordinance is contained in Appendix 4 and sections thereof are quoted and/or paraphrased herein. This ordinance is to be administered by the Water Pollution Control Authority (WPCA) of the Town of Old Lyme, and the Director of Health, who both shall employ a common agent, who shall be a sanitarian certified under Chapter 395 of the General Statutes of Connecticut. The purposes of this ordinance are as follows:

- (1) To protect the quality and quantity of the Town's water resources;
- (2) To eliminate the need for centralized wastewater collection and treatment;
- (3) To designate a regulatory body whose primary concern is water pollution control;
- (4) To limit the Town's liability for the design, construction and performance of on-site sewage disposal systems;
- (5) To ensure the enforcement of state and town health codes on a continuing basis in a manner that is fair to all property owners;

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(6) To alert property owners to existing or potential problems with their on-site sewage disposal systems while any damage to such systems and the costs of any repairs thereto are as minimum as possible;

(7) To develop on-site wastewater disposal system inspection data from all areas of the Town which can be used by the WPCA in a wastewater management plan for the entire town; and

(8) To educate property owners about the proper care and maintenance procedures to follow for on-site wastewater disposal systems.

Section 1C. Responsibilities.

The Old Lyme Water Pollution Control Authority shall establish, in a manner consistent with applicable Connecticut General Statutes and applicable Old Lyme Ordinances, reasonable rules and regulations regarding the operation and maintenance of household and small commercial subsurface wastewater disposal systems (also called subsurface sewerage disposal systems (SSDS)). Such regulations shall be consistent with applicable Old Lyme Ordinances and the authority granted to a municipal water pollution control authority by Connecticut General Statutes Section 7-246 to designate sewer avoidance areas and to implement sewer avoidance plans. In addition, the WPCA will develop and implement policies and testing procedures to protect the Old Lyme groundwater resources from contamination.

Section 1D. Town Plan of Development.

The WPCA supports the recommendations made in the Plan of Development for the Town of Old Lyme.

Section 1E. Areas of Special Concern.

The WPCA has been authorized by the Old Lyme Ordinance concerning the Regulation and Management of on-site Sewage Disposal Systems, approved at a Town Meeting on 19 May 1997, (see Appendix (4)) to designate certain areas of the Town of Old Lyme and individual systems within the town as areas of special concern. Such designation shall result from investigation by the WPCA or its agents which indicates that such an area of the Town or individual septic system is at risk, due to soil conditions,

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topography, density of population, and the like, or problems with the on-site sewage disposal systems located therein. Specific WPCA regulations and procedures concerning the designation of WPCA areas of Special Concern will be promulgated in writing.

Section 1F. WPCA Goals.

The Old Lyme WPCA will develop and implement:

(1) Regulations and/or procedures pertaining to subsurface sewerage disposal systems (SSDS) which come under the responsibility of the WPCA. This should also include the development of related programs to improve previously constructed SSDS;

(2) Regulations and/or procedures concerning a monitoring and testing program for SSDS and ground water systems which come under the responsibility of the WPCA;

(3) A public education program encompassing all appropriate WPCA subjects. This program will include SSDS maintenance;

(4) A permit system for SSDS pumpouts;

(5) A SSDS maintenance tracking system; and

(6) A warning and enforcement system for property owners identified as not properly maintaining their on-site SSDS.

Section 1G. Associated Regulations.

The WPCA will carry out its responsibilities utilizing these regulations as well as applicable sections of the Connecticut Public Health Code, Connecticut Department of Environmental Protection Regulations, the Old Lyme Housing Ordinance, and the regulations of the various Old Lyme Land Use Commissions.

Section 1H. Enforcement.

The WPCA, the Director of Health and their agent shall be charged with the enforcement of health related Town ordinances and associated WPCA regulations. The agent of the WPCA and the Director of Health shall prepare reports for the WPCA, the scope of such reports shall be established by it, and he shall appear at meetings of the WPCA as deemed necessary by the WPCA.

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Section 1I. Adoption of Regulations.

The WPCA is authorized to adopt reasonable rules and regulations and any amendments thereto to put any WPCA associated Town ordinance into effect. Such rules and regulations, and any amendments thereto, shall be in writing and shall be effective upon majority vote of the WPCA following a public hearing held by the WPCA, of which legal notice thereof has been published in a newspaper having general circulation in the town not less than five(5) days prior to such hearing, and upon subsequent publication of notice of such adoption in a newspaper, having general circulation in the Town.

Section 1J. Conflicting Provisions.

In any case where the Old Lyme ordinances referred to in these regulations or any regulation enacted hereinunder if found to be in conflict with any provision of the Public Health Code, or any state statute, the more restrictive shall apply.

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Section 2. Water Pollution Control Authority (WPCA)
Composition, Terms of Office and Responsibilities
and Duties of WPCA Members and Old Lyme Full/Part
time Employees supporting the WPCA.

Section 2A. WPCA Composition.

The WPCA shall be composed of nine (9) members and three (3) alternates appointed by the Board of Selectmen. These members shall be registered voters of the Town of Old Lyme. The First Selectman and Old Lyme Town Sanitarian shall be non-voting ex-officio members of the Authority. The Old Lyme Public Health Officer will also be an ex-officio member of the WPCA if he/she is not serving as an appointed or alternate member. The WPCA Chairman is authorized, subject to approval by the WPCA, to retain on a year to year contract, a part time Clerk, consulting services from one or more Professional Engineers/Waste Water/Water Resources Engineering firms and legal services from one or more Law Firm(s) as necessary to conduct Commission business.

Section 2B. Terms of Office.

The initial terms of office of the members of the Authority shall be as follows:

- (1) Three members and one alternate shall serve for a period of two (2) years;
- (2) Three members and one alternate shall serve for a period of three (3) years;
- (3) Three members and one alternate shall serve for a period of four (4) years.

Thereafter, at the expiration of the initial term of office of each of the original members and alternates, successors shall be appointed for a term of four (4) years.

Part time employees and consultants such as the Clerk, Professional Engineer, Waste Water/Water Resource Engineering Firm and Law Firm(s) will normally be appointed or hired during the first month of the Town Fiscal Year.

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Section 2C. Responsibilities

Chairman

(1). To open the meeting at the appointed time and to call the meeting to order having ascertained that a quorum is present. Appoint alternates to take the place of absent regular members.

(2). To announce in proper sequence the business that comes before the WPCA in accordance with the prescribed agenda or program.

(3). To recognize members who are entitled to the floor.

(4). To state and put to vote all questions that legitimately come before the WPCA as motions or that otherwise arise in the course of proceedings and to announce the result of each vote; or, if a motion that is not in order is made, to rule it out of order.

(5). To enforce the rules of debate.

(6). To expedite business in every way compatible with the rights of members.

(7). To decide all questions of order.

(8). To respond to inquiries of members relating to parliamentary procedure or factual information bearing on the business of the WPCA.

(9). To authenticate by his signature, when necessary, all acts, orders and proceedings of the WPCA.

(10). To appoint Standing and Temporary Committees as necessary.

(11). To declare the meeting adjourned when the WPCA so votes.

(12). To prepare an annual budget for approval by the WPCA and for submission to the First Selectman.

(13). To authorize the expenditure of funds for approved budget items.

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Vice Chairman

(1) If the Chairman for any reason vacates the chair or is absent the Vice Chairman normally should take the chair and carry out the duties of the Chairman.

(2) To perform duties as assigned by the Chairman.

Secretary

(1). To approve, sign, and publish in the proper manner all legal notices required by the WPCA.

(2). If the Chairman and Vice Chairman for any reason vacate the chair or are absent the Secretary normally will take the chair.

Clerk (recording officer)

(1). To keep a record of all the proceedings (minutes) of the WPCA.

(2). To keep on file all committee^{SSION} reports.

(3). To maintain and publish as necessary a list of all WPCA members and alternates. The address and phone numbers will be included.

(4). To maintain a list indicating the expiration of appointment to the WPCA for all members and alternates.

(5). To maintain a list of all committee^{SSION} assignments.

(6). To sign all certified copies of acts of the WPCA unless otherwise specified in the Regulations.

(7). To maintain appropriate files as directed by the Chairman.

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(8). To distribute copies of the WPCA Regulations without charge as directed by the Chairman and provide, when requested, copies to other persons and organizations for a fee as specified by the Chairman.

(9). To send out to the WPCA members and alternates and other persons as appropriate a notice of each meeting.

(10). To prepare, prior to each meeting, an order of business for the use of the Chairman.

(11). In the absence of the Chairman, Vice Chairman and Secretary, to call the meeting to order until the immediate election of a chairman pro tem.

Sanitarian

(1). To perform duties as a common agent of the WPCA and the Director of Health.

(2). To perform WPCA related inspections, reviews and enforcement duties under the general direction of the WPCA in administering the Connecticut Public Health Code, Connecticut environmental statutes, Old Lyme Housing Ordinance, Old Lyme land use Commission regulations, and Old Lyme WPCA regulations.

(3). To provide a copy of his routine monthly reports concerning SSDS and ground water to the WPCA.

(4). To provide special reports as requested by the WPCA.

(5) To advise the WPCA of special problem areas and proposed solutions regarding SSDS and ground water contamination.

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Chairman, Regulations Standing Committee.

(1). To prepare Regulations and changes thereto pertaining to all WPCA subjects. All regulations and changes thereto will be submitted to the WPCA for approval.

Chairman, Monitoring Standing Committee.

(1). To prepare appropriate regulations and procedures concerning (1) the inspection and monitoring of any SSDS and (2) the inspection and monitoring of any groundwater and surface water coming under the responsibility of the WPCA. All regulations and procedures shall be submitted to the WPCA for approval.

Chairman, Education Standing Committee.

(1). To prepare and distribute appropriate educational material concerning SSDS and groundwater systems which come under the responsibility of the WPCA. All material shall be approved by the Chairman Old Lyme WPCA prior to distribution.

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Section 3. WPCA Standing and Appointed Committees.

Section 3A. Background.

Three Standing committees, Regulations, Monitoring and Education, have been established to address the areas of major concern to the WPCA. These committees have been directed to examine their specific areas of interest and to establish programs, regulations and procedures, when and if necessary, to meet the primary goals of the WPCA as directed by the Old Lyme Enabling Ordinance which is contained in Appendix 1.

The goal of the Education Committee is perhaps the easiest to understand. The residents of Old Lyme must understand the importance of the WPCA programs as they pertain to sewer avoidance and groundwater protection and what they can and should do to support the efforts of the WPCA.

Regulations concerning the construction and modification of structures and supporting water systems and SSDS are currently addressed by a variety of Connecticut Health Code and environmental laws, regulations under each of the Old Lyme Land Use commissions as well as by the Old Lyme Housing Ordinance. The WPCA will support all of the above regulations and only establish additional procedures and regulations if and when they are required. The primary WPCA effort should be directed at areas of Special Concern as declared by the Old Lyme Sanitarian or areas of WPCA Special Concern declared by the WPCA.

Monitoring of SSDS and surface and ground water systems is important for three reasons; to determine if there is a problem area, to pinpoint the sources of pollution in a problem area and to take appropriate corrective action, and to provide necessary documentation for areas where no problems are detected.

Section 3B. WPCA Standing Committees.

Regulations Committee. The Connecticut Public Health Code, Old Lyme Land Use Commission Regulations and the Old Lyme Housing Ordinance will be incorporated, by reference, into these regulations. Additional supplementary regulations and procedures will be developed when and if necessary to meet WPCA responsibilities. All regulations and procedures will be submitted to the WPCA for approval.

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Monitoring Committee. Programs, procedures and regulations to test, inspect and/or monitor any SSDS and surface or ground water systems, coming under the responsibility of the WPCA, will be developed and incorporated into these regulations. All regulations and procedures will be submitted to the WPCA for approval. Monitoring the operation and performance of the Septic Waste Transfer Station will also be a responsibility of this committee. Periodic reports on established monitoring programs will be made to the WPCA. 3/23/98

Education Committee. A detailed explanation of the responsibilities of this committee are contained in Section 5. of these regulations.

Section 3B. Appointed Committees.

The OLWPCA Chairman may establish one or more committees to monitor the operations and inspections of the Community Owned Sewerage Systems (COSS) and to establish Fund accounts authorized by the Old Lyme COSS Regulations and/or the Declaration of Covenants and Restrictions (DCR) regarding a community sewerage system. The WPCA committee(s) will accomplish, as a minimum, the following specific responsibilities:

- (A). Review yearly and other periodic maintenance and inspection reports for the applicable COSS. A written yearly report will be made to the WPCA. Additional periodic verbal or written reports may be made, as appropriate, to the WPCA.
- (B). Establish fee schedules for inspections and other appropriate items performed by WPCA agents during the establishment of a COSS. The fee schedule will be approved by the WPCA.
- (C). Establish a Repair and Replacement Fund utilizing the requirements provided in the specific DCR. A written yearly report will be made to the WPCA. Additional periodic verbal or written reports may be made, as appropriate, to the WPCA.
- (D). Establish a Permanent Fund utilizing the requirements provided in the specific DCR. A written yearly report will be made to the WPCA. Additional periodic verbal or written reports may be made, as appropriate, to the WPCA.

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- (E). Review a proposed DCR submitted by an applicant prior to submission and approval by the WPCA. Provide a copy of the proposed DCR to the WPCA Attorney for review prior to submission and approval by the WPCA. 3/23/98

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Section 4. WPCA Monitoring Procedures for subsurface sewerage disposal systems (SSDS), surface water quality and groundwater quality.

Section 4A. Purpose.

A key aspect of the WPCA effort to avoid, insofar as possible, the necessity to provide municipal wastewater collection, treatment and disposal facilities for all or portions of Old Lyme will be the establishment of an effective Monitoring Program. The monitoring program will have three parts; (1) SSDS that come under the WPCA responsibility, (2) Surface water quality and (3) Groundwater quality.

An effective monitoring program can serve to provide early indications of a situation requiring action by the WPCA and to provide documentation to support the avoidance of costly "solutions" to ill defined or non-existent "problem" areas.

Section 4B. Scope of the Monitoring Program.

The WPCA Monitoring program will vary in specific requirements and scope depending on many variables, not the least of which are test results and the history of problem areas and reports. The scope of each individual monitoring program could expand or contract as data is collected. Special short term monitoring programs may be established based on data collected or for other specific reasons. The WPCA will formally review each of the three monitoring programs no less often than once a year and modify the specific program requirements as appropriate. A report on each specific monitoring program will be made for each annual review and at other times as the situation may require. Details of the current and revised requirements of each monitoring program will be contained in the WPCA minutes and program reports.

Section 4C. Specific Monitoring Programs.

1. SSDS.

A monitoring program for SSDS has been in effect in Old Lyme for several years.

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2. Surface water quality.

A WPCA program to monitor surface water sampling sites at specific locations in Old Lyme is being conducted.

3. Subsurface water quality.

A WPCA program to monitor subsurface water quality at various locations in Old Lyme is being conducted.

Section 4D. WPCA Action.

It is anticipated that these monitoring programs will provide sufficient data to enable the WPCA and its designated representatives to take appropriate action to address all areas of concern and to establish a data base which will be both complete and accurate.

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Section 5. WPCA Education Policies and Procedures.

Section 5A. Education Committee Policy.

The Old Lyme Water Pollution Control Authority (WPCA) can have the best possible set of regulations and monitoring procedures to protect our environment, public health, and personal investment but it cannot fully succeed in meeting its objectives unless we have an aggressive education program for our residents.

It is vitally important to the success of any WPCA program that all members of our community be provided essential information on a timely basis. The public should understand why a WPCA is needed, what its functions and programs are, what role home owners will play in these programs and the various health and cost benefits to be derived from an active WPCA.

Section 5B. Education Committee Procedures.

The Education Committee of the Old Lyme WPCA will maintain communications with other area WPCA's, with Regional Planning agencies, with various State agencies and other appropriate organizations as a means to obtain any relevant information that could be of interest to our WPCA and the general public. The Education Committee will prepare appropriate information to be distributed to the general public and to any Old Lyme organization that might have an interest in maintaining a list of reference material pertaining to the WPCA. The Chairman of the Old Lyme WPCA will approve any material to be distributed outside the WPCA.

A partial list of (1) information subjects, (2) media and organizations with a potential interest in our material and (3) reference materials is listed:

1. Information subjects of interest.
 - A. WPCA Regulations and Action Plans
 - B. Pumping, inspection and maintenance of SSDS
 - C. Ground water pollution and well monitoring
 - D. Water saving devices
 - E. Water purification devices
 - F. Aquifer protection
 - G. Wetland protection and preservation
 - H. Digital mapping

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2. Media and organizations on distribution list.
 - A. Old Lyme residents (WPCA newsletters)
 - B. Newspapers (press releases)
 - C. Public Television (ch 27) coverage
 - D. Public hearings
 - E. Beach areas and Rogers Lake association newsletters
 - F. Regional School District 18

3. Reference materials.
 - A. Small Flows Newsletter and articles
 - B. Maps
 - C. Newspaper articles of interest
 - D. State public acts and regulations
 - E. Old Lyme WPCA Regulations
 - F. List of key personnel in the fields related to WPCA

Section 5C. Education Committee Budget.

The Chairman, Education Committee of the Old Lyme WPCA will prepare a budget to cover the annual education programs. The proposed budget and supporting material will be submitted to the Chairman for action by the full WPCA committee.

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Section 6. WPCA Regulations.

1. Community Owned Sewerage Systems (COSS)

Effective Date: 3/23/98
Ref. WPCA Meeting 2/26/98

- (A). The Old Lyme Water Pollution Control Authority (OLWPCA) hereby adopts the provisions of Connecticut General Statutes Section 7-246f in full, as same may be amended from time to time, as its requirements for any "community sewerage system" as defined in Connecticut general Statutes Section 7-245.
- (B). The OLWPCA may require that the applicant provide the OLWPCA a Declaration of Covenants and Restrictions regarding its community sewerage system. Such declaration may establish funds for the protection of the Town of Old Lyme, such as a Permanent Fund for reimbursing the OLWPCA for costs incurred for inspections and the like; a Repair and Replacement Fund for the purpose of assuring funds are available in the future for major repairs and replacement; and such other funds as may be required.

The declaration shall set forth procedures as to reviewing the fund on a periodic basic, use of monies, reimbursement of the fund, and the like. The OLWPCA may reduce or eliminate the requirements of the declaration.

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2. Existing on-site sewerage disposal system facilities.

Effective Date: 8/7/98

Ref. WPCA Meeting: 7/16/98

- (A). The Director of Health and/or his agent may require such information, plans and/or tests including but not limited to perc hole tests and deep hole tests, as may be necessary to approve any existing on-site sewerage disposal system facilities pursuant to Section 4 (b) of the ordinance entitled "An Ordinance Concerning the Regulation and Management of On-Site Sewage Disposal Systems" as adopted by Town Meeting on May 19, 1997.
(8/7/98)

3. Alternative/Innovative On-Site Subsurface Sewage Treatment and Disposal Systems. (Hereafter called "Alternative Septic system"

Effective Date: 5/18/00

Ref. WPCA Meeting 4/20/00

(A). Background:

A properly functioning septic system is a system which meets all requirements of the standards established in the State of Connecticut Public Health Code as well as relevant land use regulations of the Town of Old Lyme, Connecticut State Statutes and Federal Law.

With proper installation, monitoring, maintenance regular pumping and periodic repair, as required, these systems can normally last indefinitely. The Old Lyme Water Pollution Control Authority (WPCA) promulgates periodic newsletters to all residents concerning the importance of regular maintenance of septic systems to assure that systems function properly.

(B). Improperly Operating Systems:

A small number of septic systems can, however, fail to meet the minimum standards for a properly operating septic system and cannot, due to a number of reasons, be repaired or replaced using conventional technology. The reasons for this can be attributed to the presence of a variety of factors among which are the following: small lot size, high water table, excessive ledge, excessive slope, poor drainage, or a higher occupancy or an extended length of occupancy.

The use of an "Alternative Septic system" may, therefore be necessary.

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(C). Criteria for an "Alternative Septic system":

The approval and use of an "Alternative Septic system" requires that:

- (1). The current system was in existence prior to January 1, 2000.
- (2). The Old Lyme Director of Health or his agent determines by tests or inspection that a septic system designed and constructed to meet standard regulation requirements will not operate in a satisfactory manner.
- (3). The only temporary solution to the continued use of the currently installed system is the use of a holding tank.
- (4). The only chance to provide a permanent solution may be to approve and install an "Alternative Septic system".

(D). Actions by the Old Lyme Director of Health or his agent concerning the installation and monitoring of an "Alternative Septic system".

- (1). The Old Lyme Director of Health or his Agent will inform the landowner by certified mail that the landowner's septic system is not operating properly and may require the use of an "Alternative Septic system" to have it perform in a satisfactory manner.
- (2). In addition, the Old Lyme Director of Health or his Agent will provide the landowner with a current list of companies capable of providing an "Alternative Septic system" that should meet current regulatory requirements.
- (3). The use of an "Alternative Septic system" shall in all cases be subject to the approval of the appropriate state authority pursuant to the State Health Code.

(E). Actions by the Landowner: —

- (1). The Landowner will select, pay for and arrange for installation and maintenance of an approved "Alternative Septic system" that meets current requirements. He will provide the Old Lyme Director of Health or his agent and other designated parties with a copy of the contract including the maintenance agreement when requested to do so.

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(F). Monitoring and Maintenance of "Alternative Septic systems".

The approval, installation and use of an "Alternative Septic system" requires that a high level of attention be given to proper and timely monitoring, maintenance and repair. The need for special inspections and subsequent tests may also become necessary. The importance of these items cannot be overemphasized during this stage in the use of "Alternative Septic systems".

(1). Landowner requirements/responsibilities:

The Landowner will sign an agreement permitting the Old Lyme Director of Health or his Agent free access, with prior notice, to inspect and monitor the system to insure that it is being properly operated and maintained. Test wells may be required.

(b). The maintenance schedule, operating instructions and pump out schedule recommended for the "Alternate Septic system" by the Technology company contract will be complied with. A copy of any report concerning the operation of the system will be provided to the Old Lyme Director of Health or his agent.

(c). The cost of system replacement, for any reason, will be the Landowner's responsibility.

(2). Old Lyme Director of Health requirements:

(a). The Old Lyme Director of Health or his agent will be responsible for the cost of any special tests or procedures determined to be necessary by the Old Lyme Director of Health or his agent and conducted to obtain additional information concerning the "Alternative Septic system" operation and performance.

(b). The Old Lyme Director of Health or his agent will provide copies of any report received from the landowner as well as reports developed to meet his own requirements to other parties such as the Connecticut DEP and State Health Department when requested.

5/18/00

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4.. Late Pumping Fee for On-Site Sewerage Disposal Systems.

Effective Date: 7/12/01

Ref : WPCA Meeting 6/21/01

(A) . Background :

A poorly maintained on-site sewerage disposal system can contaminate ground and/or surface water and create a nuisance or condition detrimental to health. The Old Lyme WPCA has established a number of programs that should, with a minimum of effort and cost to the home owner, minimize the possibility of a malfunctioning sewerage system. One of these programs is the mandatory requirement for all home owners to periodically pump out their on-site sewerage disposal system. WPCA programs have been established to monitor pump outs and educate home owners in the proper care and service of their septic systems. The septic system service contractor is required to provide a record of all pump outs to the home owners and the WPCA. The WPCA maintains a record of all pump outs.

(B) . Authority :

Effective Date : 6/19/04

Ref: WPCA Meeting 4/15/04

An Old Lyme Ordinance Concerning the Regulation and Management of On-Site Sewerage Disposal Systems (hereafter called "Septic Systems") was approved at a Town Meeting held on 5/19/97 and became effective on 6/18/97. This ordinance required that all "Septic Systems" be pumped out not less than once in every 7 year period.

The 5/19/97 Ordinance also authorized the WPCA to require a more frequent pumping schedule for specific systems or areas of special concern as identified in Section 3 of the Ordinance.

The WPCA is authorized in Section 3 of the Town of Old Lyme Ordinance dated 5/19/97 to designate certain areas of the town and individual systems within the town as areas of special concern. Such designation shall result from investigations by the WPCA or its agents which indicate that such an area of the Town or individual septic system is at risk, due to soil conditions, topography, small size lot, high water table, higher occupancy, an extended length of occupancy, and the like, or to problems with the on-site sewerage disposal systems located therein.

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5. WPCA Actions: (Chg. 6)

A. The WPCA will continue their home owner education program of providing newsletters to all residents of Old Lyme concerning the proper care, maintenance and pumpout requirements of Septic Systems. Information on the WPCA Late Pumpout Fee program and WPCA Fine program will also be provided, when appropriate.

B. The WPCA will provide a notice, to individual homeowners, approximately 3 months prior to their required Septic System pump out date. The State of Connecticut and Old Lyme current regulations require that all Septic Systems shall be pumped out not less than once in every seven (7) year period. This notice will provide information on late pumpout fees.

C. The WPCA will provide a notice, by certified mail, prior to the required pumpout date that a "late pumpout fee" of \$50.00 may be levied if the septic system has not been pumped within 30 days after the required date. Additional "late pumpout fees" of \$50.00 may be levied at 3 month intervals until the septic system has been pumped.

D. The WPCA Chairman may, at any time after the second \$50.00 "late pumping fee" has been levied, request that the WPCA members approve a motion to implement the provisions of the "Fine Program" as specified in Appendix 4 of the WPCA Regulations Manual. A majority vote of the WPCA voting members is required for approval.

E. If an Old Lyme Homeowner considers that they are not able to comply with the pumpout requirements for a valid reason they may write a letter to the Old Lyme First Selectman explaining the circumstances. Their letter should be sent early enough so that a decision can be made within the time line indicated above.

WPCA REGULATIONS and BYLAWS

Section 7. Old Lyme Health Department Regulations (chg 2)

Section (1) of "An Ordinance Concerning the Regulation and Management of On-Site Sewage Disposal Systems" as adopted by Town Meeting on May 19, 1997 addresses the adoption of the Public Health Code. The Public Health Code, as indicated above, includes the Town of Old Lyme Public Health Code as adopted by Ordinance by the Town of Old Lyme, as amended from time to time, including all technical standards therein. It is considered appropriate therefore to include Old Lyme Public Health Code Regulations and Technical Standards in this Manual

1. Ordinance Establishing Minimum Requirements for Water Quality in Private Residential Wells.

Reference: Annual Budget Meeting: May 18, 1998
Effective: June 5, 1998

- (A). The standards for water quality testing performed on private residential well water for wells located within the Town of Old Lyme shall meet the standards established by the Environmental Protection Agency, as amended. Current EPA standards shall be posted at all times in the office of the Director of Health for the Town of Old Lyme.

Note: The current EPA standards are contained in Appendix 5 of this Manual. A Water Analysis Interpretive Guide, provided by the Health Department Agent, is also included.

WPCA REGULATIONS and BYLAWS

Section 8. Administrative Section. (chg 2)

Section 8A. Bylaws.

The rules contained in the current edition of Robert's Rules of Order Newly Revised shall govern the WPCA in all cases to which they are applicable and not in conflict with these Bylaws and Regulations.

Section 8B. Expenditures.

No expenditure or commitment for an expenditure of an unauthorized item may be made by any person. The WPCA Chairman will prepare and submit an annual budget to the WPCA for approval after which time it will be submitted as requested by the First Selectman. Expenditure approval of all budgeted items will be obtained from the WPCA Chairman prior to placing an order. All bills for expenditures will be "initialed" by the Chairman prior to submission for payment.

Section 8C. WPCA Regulations, changes thereto.

All WPCA Regulations and changes thereto will be reviewed by legal counsel prior to approval and distribution.

Section 8D. Voting.

All questions and motions will be decided by majority vote of the WPCA.

Section 8E. Motions and votes on motions.

All motions will be listed verbatim in the minutes.

WPCA REGULATIONS and BYLAWS

Appendix 1. WPCA Enabling Ordinance, Town of Old Lyme

This appendix contains a copy of the Water Pollution Control Authority (WPCA) Enabling Ordinance, Town of Old Lyme, dated March 28, 1995. It consists of two (2) unnumbered pages.

Reference: Volume 7 Town Meeting Records
March 28, 1995 Special Town Meeting

TITLE: Ordinance Creating a Water Pollution Control Authority

EFFECTIVE DATE: April 18, 1995

Be It Resolved by the Town of Old Lyme, in Town Meeting convened, that the following ordinance be adopted pursuant to the provisions of Section 7-246 of the General Statutes of Connecticut, as amended.

Section 1. Water Pollution Control Authority. There shall be established a Water Pollution Control Authority, which shall have jurisdiction defined in Section 7-246 of the Connecticut General Statutes within the territorial limits of the Town of Old Lyme.

Section 2. Responsibilities. Said Water Pollution Control Authority shall establish, in a manner consistent with applicable Connecticut General Statutes, rules and regulations regarding the operation and maintenance of household and small commercial subsurface wastewater disposal systems. Such regulations shall be consistent with authority granted to a municipal water pollution control authority by Connecticut General Statutes Section 7-246 to designate sewer avoidance areas and to implement sewer avoidance plans.

Section 3. Composition. The Water Pollution Control Authority shall be composed of nine (9) members and three (3) alternate members, appointed by the Board of Selectmen, who shall be registered voters of the Town of Old Lyme. The First Selectman shall be a non-voting ex-officio member of the Authority.

Section 4. Term of Office.

A. The initial terms of office of the members of the Authority shall be as follows:

(1) Three members and one alternate shall serve for a period of two (2) years;

(2) Three members and one alternate shall serve for a period of three (3) years;

(3) Three members and one alternate shall serve for a period of four (4) years.

B. Thereafter, at the expiration of the initial term of office of each of the original members and alternates, successors shall be appointed for a term of four (4) years.

Section 5. Conflict with Other Laws or Regulations. If any section of this ordinance shall be declared invalid by a court of competent jurisdiction, such invalidity shall affect the entire ordinance.

Section 6. Effective Date. This ordinance shall become effective fifteen (15) days after its publication in a newspaper having a general circulation in the Town of Old Lyme.

James R. Rice
Mervin F. Roberts
Edmund J. O'Brien
Board of Selectmen

WPCA REGULATIONS and BYLAWS

Appendix 2. Glossary of WPCA Terms.

Definitions of interest used throughout these regulations are listed below. The Public Health Code should be used for additional definitions.

(A) Area of Special Concern - A term used in the Public Health Code. The Health Officer or his(her) representative may declare a specific property as an "area of special concern". This designation will be in writing.

(B) Area of (WPCA) Special Concern. - Those areas designated by the WPCA from time to time in accordance with Section 1E of this manual.

(C) Approved professional engineers. - A professional engineer, licensed to practice in Connecticut, who provides a current professional liability policy with respect to liability for loss, damage, and expense caused by any negligent act or omission of the professional engineer or its personnel during performance of its service.

(D) Approved septic system designer. - Licensed septic system installers or Registered Sanitarians who are knowledgeable about the design and construction of on-site sewage disposal systems; who are approved by the WPCA to prepare designs for said systems including their repair or expansion; and who provide a current professional liability policy with respect to liability for loss, damage, and expense caused by any negligent act or omission of the licensed septic system installer or Registered Sanitarian or their personnel during the performance of its service.

(E) Malfunctioning system. - An on-site sewage disposal system shall be deemed to be a malfunctioning system if sewage is allowed to contaminate ground or surface water or to discharge or flow from it into any storm drain, stream, gutter, street roadway, or public place or if sewage discharges from said system to the surface of any private property so as to create a nuisance or condition detrimental to health or as determined by the Director of Health or his agent.

WPCA REGULATIONS and BYLAWS

(F) Modification of expansion of an existing system. - Work to be done to an existing on-site sewage disposal system shall be deemed a modification or expansion of an existing system for the purposes of the Old Lyme Ordinance concerning the Regulation and Management of On-site Sewage Disposal Systems (Appendix 4) if the system is enlarged or modified for the purpose of accommodating changes in the building(s) it serves. Modification or expansion of an existing system shall expressly not include the repair of a malfunctioning system.

(G) Onsite sewage disposal system. - A system for the treatment and disposal of less than 2,000 gallons per day of sewage derived from residences and businesses consisting of a building sewer; a septic tank followed by a leaching system, any necessary pumps and siphons, and any ground water control system on which the operation of the leaching system is dependent. The definition for any term for which the meaning is not already provided, or is otherwise not clear, shall be the same definition as is provided in the Public Health Code cited above.

WPCA REGULATIONS and BYLAWS

Appendix 3. Housing Ordinance, Town of Old Lyme

This appendix contains a copy of the Housing Ordinance, Town of Old Lyme, dated April 28, 1966. It consists of sixteen (16) pages numbered 1 thru 16. A one (1) page Amendment to the Housing Ordinance concerning Rooming Houses dated May 5, 1969, without page number, is also included.

ORDINANCE/REGULATION

TITLE: Amendment to Housing Ordinance: Rooming Houses
EFFECTIVE DATE: May 5, 1969
REFERENCE: Vol. 4, P. 223, Town Meeting Records

Section 8, Rooming Houses, Amended

Section 8.1.a. Rooming house permits issued as of the first day of July, 1969, shall be issued only for the period from July 1, 1969 until February 1, 1970; thereafter, the period of all rooming house permits will be from February 1, 1970, and February 1 of each year thereafter, on an annual basis.

Merle Bugbee
Denton Butt
Maurice McCarthy
BOARD OF SELECTMEN

ORDINANCE/REGULATION

TITLE: Housing Ordinance, Town of Old Lyme, Page 1
EFFECTIVE DATE: April 28, 1966.
REFERENCE: Vol. 4, P. 120, Town Meeting Records

An ordinance establishing minimum standards governing the condition and maintenance of dwellings; establishing minimum standards governing supplied utilities and facilities and other physical things and conditions essential to make dwellings safe, sanitary and fit for human habitation; establishing minimum standards governing the condition of dwellings offered for rent; fixing certain responsibilities and duties of owners and occupants of dwellings; authorizing the inspection of dwellings, and the condemnation of dwellings unfit for human habitation; and fixing penalties for violations.

Whereas, in the Town of Old Lyme, there are or may in the future be dwelling structures which are so dilapidated, unsafe, dangerous, unhygienic, or unsanitary as to constitute a menace to the health and safety of the people of the Town of Old Lyme; and

Whereas, such dwelling structures are a principal cause of deterioration and blight in residential areas essential to the well-being of the Town; and

Whereas, the owners and occupants of dwelling structures have certain responsibilities to prevent the blighting of residential areas and the burdens they create for the Town at large; and

Whereas, a Housing Code is essential to establish these responsibilities and to set minimum standards sufficient to protect public health and safety and to halt the spread of blight;

Be it therefor ordained by the Town of Old Lyme in town meeting assembled, as follows:

Section 1. Definitions.

- 1.1 Basement: A portion of a building located partly underground, but having less than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.
- 1.2 Cellar: A portion of a building located partly or wholly underground, and having half or more than half of its clear floor-to-ceiling height below the average grade of the adjoining ground.
- 1.3 Dwelling: Any building, structure, trailer, or mobile home or part thereof used for human habitation.
- 1.4 Dwelling, Summer: A dwelling which is normally occupied for human habitation, other than the winter months, and does not presently comply with Subsections 2.6, 3.4 and 4.4 of this Code.
- 1.5 Dwelling, Year-Round: A dwelling other than a summer dwelling.
- 1.6 Dwelling Units: A dwelling or part of a dwelling occupied or intended to be occupied by one family for residential purposes.
- 1.7 Dwelling, Multiple: Any dwelling containing more than two (2) dwelling units.

- 1.8 Extermination: The control and elimination of insects, rodents, or other pests by eliminating their harborage places; by removing or making inaccessible materials that may serve as their foods; by poisoning, spraying, fumigating, trapping; or by any other recognized and legal pest elimination methods approved by the Director of Public Health.
- 1.9 Family: Any number of individuals related by blood, marriage or adoption, living together as a single housekeeping unit. A group of not more than six (6) persons keeping house together, but not necessarily related by blood or marriage may be considered a family.
- 1.10 Garbage: The animal and vegetable waste resulting from the handling, preparation, cooking, and consumption of food.
- 1.11 Habitable Room: Any room or enclosed floor space used or intended to be used for living, sleeping, cooking, or eating purposes excluding bathroom, water closet compartments, laundries, pantries, foyers, or hallways, closets, recreation room (but not including "living rooms"), private workshops or hobby rooms and storage spaces.
- 1.12 Director of Public Health: The legally designated health authority of the Town of Old Lyme, or his authorized representative.
- 1.13 Housing Inspector: The person appointed by the Selectmen to carry out the instructions of the Director of Public Health in the enforcement of this code and to make routine inspections of housing within the Town under the direction of the Director of Public Health.
- 1.14 Infestation: The presence, within or around a dwelling, of any rodents, insects or other pests.
- 1.15 Occupant: Any person, over one (1) year of age, living, sleeping, cooking, or eating in, or having actual possession of a dwelling unit or a rooming unit.
- 1.16 Operator: Any person who has charge, care, or control of a building, or part thereof, in which dwelling units, or rooming units are let. The operator shall be subject to the same provisions of this code as the owner.
- 1.17 Owner: Any person who alone or jointly or severally with others has legal title to any dwelling, including any person acting as agent of the owner, or who has possession of a dwelling as lessee.
- 1.18 Person: Any individual, firm, corporation, association or partnership.
- 1.19 Plumbing: Any and all of the following supplied facilities and equipment: gas pipes, gas-burning equipment, water pipes, garbage disposal units, waste pipes, water closets, sinks, installed dishwashers, lavatories, bathtubs, shower baths, installed clothes-washing machines, catch basins, drains, grease traps, vents, and any other similar supplied fixtures together with all connections to water, sewer or gas lines.
- 1.20 Rooming Unit: A room or group of rooms forming a single habitable unit used or intended to be used as private living and sleeping quarters but not for cooking or eating purposes.

- 1.21 Rooming House: Any dwelling, or that part of any dwelling containing one or more rooming units, in which space is let by the owner or operator to three or more persons who are not husband or wife, son or daughter, mother or father, or sister or brother of the owner or operator, provided that hospitals, homes for the aged, and other institutions licensed by the State Department of Health under Chapter 333 of the General Statutes shall not be regarded as rooming houses or as subject to the provisions of this ordinance.
- 1.22 Rubbish: Combustible and non-combustible waste materials, except garbage.
- 1.23 Supplied: Anything paid for, furnished, or provided by or under the control of, the owner or operator.
- 1.24 Meaning of Certain Words: Whenever the word dwelling, dwelling unit, rooming house, rooming unit, premises, are used in this ordinance, they shall be construed as though they were followed by the words "or any part thereof." Whenever the masculine pronoun is used it shall also mean the feminine pronoun. Words in the present tense include the future, the singular number includes the plural and vice versa, unless otherwise specifically stated.

Section 2. Space, Use and Occupancy.

- 2.1 Every dwelling unit shall contain no less than 500 square feet of floor space for the first occupant and not less than 100 square feet of additional floor space for each additional occupant thereof, on the basis of total habitable room area.
- 2.2 Every new dwelling unit constructed shall be so arranged that access to a bathroom or water closet compartment may be had from any sleeping room without passing through another sleeping room. No sleeping room in any such dwelling unit shall have its sole access through another sleeping room or through a bathroom or water closet compartment.
- 2.3 No Cellar Space shall be used as a habitable room or dwelling unit without written permission from the Director of Public Health and the building inspector.
- 2.4 No Basement Space shall be used as a habitable room or dwelling unit unless, in addition to the other provisions of this ordinance:
- (a) The floor and walls are impervious to leakage of underground and surface runoff water and insulated against dampness; and
 - (b) The minimum aggregate glass area of windows as required under Subsection 3.1 is located entirely above the grade of the ground adjoining such window area, or it is provided with an adequate mechanical ventilating system approved by the Director of Public Health.
- 2.5 Every dwelling unit shall have safe and unobstructed means of egress to open space at the ground level. Every dwelling unit of which any habitable room is located above the second floor of a building shall have two separate means of egress, as remote from each other as practicable.

TITLE:

- 2.6 No building shall be occupied as a year-round dwelling unless it is constructed on a masonry foundation and unless the entire structure complies with pertinent provisions of the building code and unless the interior walls are faced with plaster, wallboard or other material permitted by the building code.
- 2.7 The occupancy of any year-round dwelling, dwelling unit or multiple dwelling shall not be increased to a number of persons greater than permitted by Subsection 2.1 by reason of the use of any tent, enclosed porch, accessory building or other space which is not an integral part of the dwelling unit complying with all the provisions of this code.

Section 3. Light, Heat and Ventilation.

- 3.1 Every habitable room shall have at least one window facing directly outdoors or adequate ventilation approved by the Director of Public Health. The total window area, measured between stops, of every habitable room shall be not less than 10 percent of the floor area of such room.
- 3.2 Every habitable room shall have at least one window which can easily be opened, or such other device as will adequately ventilate the room. The total of the openable window area in every habitable room shall be equal to at least 45 percent of the minimum aggregate glass area of the window as required in Subsection 3.1 except where there is supplied some other device affording adequate ventilation and approved by the Director of Public Health.
- 3.3 Every bathroom and water closet compartment shall comply with the light and ventilation requirements for habitable rooms contained in Subsections 3.1 and 3.2 except where the bathroom or water closet compartment is adequately ventilated by a ventilation system which is kept in continuous or automatic operation and approved by the Director of Public Health.
- 3.4 Every year-round dwelling shall have heating facilities, properly installed and maintained, capable of heating all habitable rooms, bathrooms and water closet compartments to 70 degrees Fahrenheit in zero weather measured at three (3) feet above the floor. Every space heater, except electrical, shall be properly vented to a chimney or duct leading to the open air. No portable space heater, except electrical, shall be used.

Section 4. Plumbing and Sanitation.

- 4.1 Every dwelling unit shall contain a kitchen sink, a flush water closet, a lavatory basin, and a bathtub or shower in good working condition and properly connected to a water and sewage disposal system approved by the Director of Public Health.
- 4.2 Each such water closet, lavatory basin, bathtub or shower shall be located in an enclosed space affording privacy.
- 4.3 Every dwelling or dwelling unit shall be equipped with water heating facilities to permit an adequate amount of water to be drawn at every required kitchen sink, lavatory basin, bathtub or shower at a temperature of not less than 120 degrees Fahrenheit.

- 4.4 No dwelling shall be occupied for human habitation unless such dwelling is supplied with water from a public water supply or from a private well approved by the Director of Public Health. No dwelling shall be occupied as a year-round dwelling unless such public or private water supply is constructed for winter operation, as approved by the Director of Public Health.
- 4.5 No dwelling shall be occupied for human habitation unless such dwelling is connected to a public sanitary sewer or is equipped with a private sewage disposal system approved by the Director of Public Health.
- 4.6 The Director of Public Health may limit the time during which a dwelling may be occupied during any one calendar year if he finds that the provisions for sanitary sewage disposal are not adequate to permit longer occupancy by reason of inadequate drainage facilities.

Section 5. Maintenance.

- 5.1 Every foundation, floor, wall, ceiling, door, window, roof or other part of a dwelling shall be kept in good repair and capable of the use intended.
- 5.2 Every inside and outside stair, every porch and every appurtenance thereto shall be kept in sound condition and good repair, capable of supporting the load normally placed thereon.
- 5.3 Railings or parapets, not less than 34 inches high shall be placed around porches, balconies and roofs more than 30 inches above the ground level which are used by the occupants. Stairways having more than three steps shall be equipped with a railing.
- 5.4 All plumbing fixtures, piping, heating and hot water appliances, electrical fixtures and wiring, and other equipment shall be properly installed and maintained in good sanitary working condition, free from fire hazards, leaks, obstructions or defects in order to function safely and effectively.
- 5.5 Every water closet compartment and bathroom floor shall be constructed and maintained so as to be reasonably impervious to water and to permit such floor to be easily kept in a clean and sanitary condition.
- 5.6 Every public hall and stairway in every multiple dwelling shall be adequately lighted at all times.
- 5.7 Maintenance of Yards: All front, side and rear yards shall be maintained in a clean and sanitary condition. The owner of any multiple dwelling shall be responsible for the maintenance of such yards. In the case of one and two-family dwellings, the occupants thereof shall be responsible for the maintenance of such yards. No rubbish, garbage, debris or other waste matter shall be allowed to accumulate in any yard.

Section 6. Responsibility of Owner and Occupant.

- 6.1 Every owner of a dwelling shall be responsible for the maintenance of the structure in a safe, healthy and sanitary state of repair.
- 6.2 Every owner of a dwelling containing two (2) or more dwelling units shall be responsible for maintaining in a clean and sanitary condition the areas of the dwelling and premises shared by the occupants or accessible to the occupants or to the public.

- 6.3 Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling, dwelling unit, and premises which he occupies and controls, including all plumbing fixtures and other appurtenances thereto.
- 6.4 Every occupant of a dwelling or dwelling unit shall dispose of all his rubbish, garbage and other waste in a clean and sanitary manner and so as to avoid attracting rodents or vermin. The owner of every multiple dwelling shall provide separate containers for rubbish and garbage for each dwelling unit therein and shall arrange for the disposal of such rubbish and garbage in a manner approved by the Director of Public Health.
- 6.5 Every occupant of a dwelling or dwelling unit shall be responsible for the extermination of any insects, rodents or other pests therein or on the premises which he occupies and controls. The owner of every dwelling shall be responsible for maintaining the structure and premises in a reasonably ratproof and insectproof condition to the satisfaction of the Director of Public Health.

Section 7. Summer Dwellings.

- 7.0 No person shall occupy or let to another for occupancy any summer dwelling or summer dwelling unit, for the purpose of living therein, which does not comply with the following requirements in addition to those specified elsewhere in this code:
- 7.1 The occupancy of any summer dwelling, dwelling unit or multiple dwelling shall not be increased to a number of persons greater than permitted by Subsection 2.1 by reason of the use of any tent, enclosed porch, accessory building or other space which is not an integral part of the dwelling unit complying with all the provisions of this code.
- 7.2 No summer dwelling shall be occupied for human habitation unless such dwelling is supplied with water from a public water supply or from a private well approved by the Director of Public Health.
- 7.3 No summer dwelling shall be occupied for human habitation unless such dwelling is connected to a public sanitary sewer or is equipped with a private sewage disposal system approved by the Director of Public Health.
- 7.4 No summer dwelling shall be converted to or occupied as a year-round dwelling unless the Director of Public Health shall have approved the adequacy of the sanitary sewage disposal system for year-round use.
- 7.5 No summer dwelling shall be converted to or occupied as a year-round dwelling unless the structure complies with all of the requirements of the Statutes, Ordinances and Regulations of the State of Connecticut and Town of Old Lyme, and unless approved by the Director of Public Health.

Section 8. Rooming Houses.

- 8.0 No person shall operate a rooming house, or shall occupy or let to another for occupancy any rooming unit in any rooming house, except in compliance with the provisions of every section of this ordinance except the provisions of Section 2 (Space, Use and Occupancy) and Section 6 (Responsibilities of Owners and Occupants).

- 8.1 Rooming House Permit: No person shall operate a rooming house unless he holds a valid Rooming House Permit issued by the Director of Public Health. The operator shall apply to the Director of Public Health for a Rooming House Permit which shall be issued by the Director of Public Health upon compliance by the operator with the applicable provisions of this ordinance. Such permit
- * (a) Shall expire on the first day of February following its date of issue unless sooner suspended or revoked as hereinafter provided.
 - (b) Shall be issued in the name of the operator for the specific rooming house or rooming house unit. No permit shall be transferable. Every person holding such a permit shall give notice in writing to the Director of Public Health within 24 hours after having sold, transferred, given away, or otherwise disposed of ownership of, interest in, or control of any rooming house. Such notice shall include the name and address of the person succeeding to the ownership or control of such rooming house.
 - (c) Shall be displayed in a conspicuous place within the rooming house at all times.
- 8.2 Water Supply: No Rooming House Permit shall be issued by the Director of Public Health unless
- (a) The rooming house is supplied with water from an approved public water supply; or
 - (b) The operator presents to the Director of Public Health a certificate of approval from a state-licensed water analyst attesting to the suitability of the rooming house water supply for human consumption.
- 8.3 Any person whose application for a permit to operate a rooming house has been denied may request in writing and shall be granted a hearing on the matter before the Codes Enforcement Committee under the procedure provided by Section 10 for the hearing of petitions relating to notices.
- 8.4 Whenever, upon inspection of any rooming house, the Director of Public Health finds that conditions or practices exist which are in violation of any provision of this ordinance, the Director of Public Health shall give notice in writing to the operator of such rooming house that, unless such conditions or practices are corrected within a reasonable period, to be determined by the Director of Public Health, the operator's Rooming House Permit will be suspended. At the end of such period the Director of Public Health shall reinspect such rooming house, and if he finds such conditions or practices have not been corrected he shall give notice in writing to the operator that the latter's permit has been suspended. Upon receipt of notice of suspension such operator shall immediately cease operation of such rooming house, and no person shall occupy for sleeping or living purposes any rooming unit therein.

* Section 8.1(a) superseded and amended May 5, 1969.

- 8.5 Any person whose permit to operate a rooming house has been suspended, or who has received notice from the Director of Public Health that his permit is to be suspended unless existing conditions or practices at his rooming house are corrected, may request in writing and shall be granted a hearing on the matter before the Codes Enforcement Committee under the procedure provided by Subsection 10.4 provided that if no petition for such hearing is filed within 20 days following the day on which such permit was suspended, such permit shall be deemed to have been automatically revoked.
- 8.6 At least one flush water closet, lavatory basin, and bathtub or shower, properly connected to a water and sewer system approved by the Director of Public Health and in good working condition, shall be supplied for each five (5) persons or fraction thereof residing within a rooming house, including members of the operator's family wherever they share the use of said facilities; provided that in rooming houses where rooms are let only to males, flush urinals may be substituted for not more than one-half the required number of water closets. All such facilities shall be located within the dwelling as to be reasonably accessible from a common hall or passageway to all persons sharing such facilities. Every lavatory basin and bathtub or shower shall be supplied with hot water at all times in accordance with the provisions of Subsection 4.3. No such facilities shall be located in a basement except by written approval of the Director of Public Health.
- 8.7 The operator of every rooming house shall change supplies, bed linen and towels therein at least once a week, and prior to the letting of any room to any occupant. The operator shall be responsible for the maintenance of all supplied bedding in a clean and sanitary manner.
- 8.8 Every room occupied for sleeping purposes by one person shall contain at least 70 square feet of usable floor area and every room occupied for sleeping purposes by more than one person shall contain at least 50 square feet of usable floor area for each additional occupant thereof.
- 8.9 Every rooming unit shall have safe, unobstructed means of egress leading to safe and open space at ground level, as required by the Statutes, Ordinances and Regulations of the State of Connecticut and Town of Old Lyme.
- 8.10 The operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors, and ceilings, and for maintenance of a sanitary condition in every other part of the rooming house; and he shall further be responsible for the sanitary maintenance of the entire premises where the entire structure or building is leased or occupied by the operator.
- 8.11. Every provision of this ordinance which applies to rooming houses shall also apply to hotels, and/or motels, except as provided in Subsection 8.12 and except to the extent that any such provisions may be found in conflict with the laws of this State or with the lawful regulations of any State Board or Agency.

- 8.12 No meals may be prepared or eaten in a rooming house, other than in a dwelling unit contained therein, unless such meals are prepared and eaten in communal kitchens and dining rooms conforming to the standards of Subsections 8.13 and 8.14, except that this Subsection shall not apply to the eating of meals in establishments which are operating a valid restaurant business and which have the rooming house and restaurant operations integrated as a single business enterprise.
- 8.13 A communal kitchen shall comply with the following standards:
- (a) It shall contain at least 60 square feet of floor area in every case and at least 100 square feet if meals are both prepared and eaten therein;
 - (b) If occupants are permitted to eat meals therein, it shall be supplied with one dining chair and two (2) lineal feet of dining table space, in addition to the surface area for food preparation required under paragraph (f) below, for each occupant of the rooming house permitted to eat in the kitchen, the surface of each dining table to be smooth and easily cleanable;
 - (c) It shall contain at least one kitchen sink of an approved type which shall be supplied with hot water at all times in accordance with the provisions of Subsection 4.3;
 - (d) It shall contain at least one kitchen gas stove or electric stove, every such stove to have at least two top burners and an oven;
 - (e) It shall contain one supplied electric or gas refrigerator with an adequate food storage capacity;
 - (f) It shall contain one or more supplied tables or other facilities having a total surface area for food preparation of not less than six (6) square feet, the surface of each table or other facility to be suitable for the preparation of food, smooth and easily cleanable;
 - (g) It shall contain at least one supplied cabinet of adequate size for and suitable for storage of food and eating and cooking utensils;
 - (h) It shall be supplied by the operator with the rubbish storage facilities and the garbage storage or disposal facilities specified by Subsection 6.4; and
 - (i) It shall be located within a room accessible to the occupant of each rooming unit sharing the use of such kitchen without going outside of the dwelling and without going through a dwelling unit or rooming unit of another occupant.
- 8.14 Where a communal kitchen does not conform to the provisions of Subsection 8.13 relating to the eating of meals therein, meals shall be eaten in a communal dining room that complies with the following standards;
- (a) It shall contain at least 70 square feet of floor area;
 - (b) It shall be supplied with one dining chair and two (2) lineal feet of dining table space for each occupant of the rooming house permitted to eat in the dining room, the surface of each dining table to be smooth and easily cleanable;
 - (c) It shall be located on the same floor of the rooming house as the communal kitchen in which the meals are prepared and shall be as nearly adjacent to the communal kitchen as is practicable and
 - (d) It shall be located within a room accessible to the occupant of each rooming unit sharing such dining room without going outside of the dwelling and without going through a dwelling unit or rooming unit of another occupant.

TITLE:

- 8.15 The operator of any rooming house shall post in every unit a sign on which shall be written or printed in letters not less than 3/8 of one (1) inch in height the following words: "NO COOKING PERMITTED IN THIS ROOM," and such sign shall remain so posted at all times the room is occupied.
- 8.16 The operator of any rooming house shall keep a record of the name and address of each occupant of a rooming unit, including the dates of the occupant's arrival and departure. Such record shall be contained in a bound volume as a permanent and continuous record of occupancy and shall be available for inspection at all times.

Section 9. Permit to Create Certain Dwelling and Rooming Units.

- 9.1 No dwelling unit or rooming unit shall be created within an existing structure or converted, remodeled or altered so as to create an additional dwelling unit or rooming unit, unless the Housing Inspector has issued a written permit certifying that the plans and specifications for such work indicate that the provisions of this ordinance will be complied with.
- 9.2 In reference to Subsection 9.1, if the dwelling unit or rooming unit is located within the jurisdiction of a chartered association, the Housing Inspector and Building Inspector shall notify the designated authority of the association concerned of the intended conversion, remodeling or alteration prior to issuing a written permit. In any case where a provision of this ordinance is found to be in conflict with a provision of any zoning, building, fire, safety, health or other ordinance or code of a charter association, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

Section 10. Enforcement.

- 10.1 The provisions of this code shall be enforced by the Director of Public Health, acting in person or through his authorized agent.
- 10.2 The Director of Public Health is authorized and directed to make inspections to determine the condition of dwellings within the Town of Old Lyme. For this purpose the Director of Public Health and his assistants are authorized to enter, examine and survey at all reasonable times all dwellings within said Town.
- 10.3 Whenever the Director of Public Health determines that there are reasonable grounds to believe that there has been a violation of any provision hereof, he shall give notice of such violation to the person responsible. Such notice shall be in writing, stating the nature of the violation, the remedial action required, and the time to be allowed for remedial action, and shall be served upon the owner, or occupant, as the case may be, either in person or by registered mail or by posting a copy of such notice conspicuously on the dwelling affected, or by notice served by a police officer of the Town of Old Lyme.

- 10.4 There shall be a Codes Enforcement Committee which shall consist of the Director of Public Health, the Building Inspector, the two (2) Fire Marshalls, the Housing Inspector, and the Town Engineer, appointed by the Selectmen. Any person affected by any notice issued under the provisions hereof, and any person whose application for a Rooming House Permit has been denied may, within 10 days from the date thereof, file in the office of the Director of Public Health a petition requesting a hearing before said Codes Enforcement Committee and setting forth the grounds for such request. The Codes Enforcement Committee shall set a time and place for such hearing, not later than 10 days after the receipt of the petition, except that the Committee may at its discretion postpone such hearing upon the application of the petitioner. After such hearing, the Codes Enforcement Committee shall sustain, modify or withdraw the notice. Any notice so sustained or modified shall be deemed to be an order and any notice served pursuant hereto shall automatically become an order if a written petition for a hearing is not filed in the office of the Director of Public Health within 10 days of such service.
- 10.5 The Director of Public Health shall designate any dwelling or dwelling unit as unfit for human habitation if it is either:
- 10.5.1 So damaged, decayed, dilapidated, unsanitary, unsafe, or vermin infested that it creates a serious hazard to the health or safety of the occupants or of the public, or
- 10.5.2 Lacks illumination, ventilation or sanitation facilities adequate to protect the health and safety of the occupants or of the public, or
- 10.5.3 Because of its general condition or location is unsanitary or otherwise dangerous to the health or safety of the occupants or of the public.
- 10.6 Any dwelling or dwelling unit so designated by the Director of Public Health shall be placarded by him and shall be vacated within a reasonable time as ordered by him.
- 10.7 No dwelling or dwelling unit which has been designated as unfit for human habitation as above provided shall again be used until written approval is secured from the Director of Public Health.
- 10.8 Any person affected by any such designation of a dwelling or dwelling unit as unfit for human habitation may request and shall be granted a hearing in accordance with the procedure established in Subsection 10.4 above.

Section 11. Exemptions.

- 11.1 Any dwelling occupied by a single family and which was constructed or approved for construction before the effective date of this ordinance, is exempt from those sections which would require structural changes in order to comply with the regulations, unless the Director of Public Health shall require such changes so as to insure the safety and health of the occupants or the general public.

Section 12. Penalties.

- 12.1 Any person who shall violate any provisions of this ordinance, may upon conviction be punished by a fine of not more than one hundred dollars (\$100.00), or by imprisonment for not more than thirty (30) days and each day's failure to comply with any such provision shall constitute a separate violation.

Section 13. Conflict With Other Laws or Regulations.

- 13.1 If any provisions of this code is in conflict with provisions of any zoning, building, fire, sanitary, safety, health or other law, ordinance, code, regulation of the State of Connecticut or Town of Old Lyme, now or hereafter applicable, the provision which establishes the higher standard shall prevail.
- 13.2 If any section, subsection, paragraph, sentence, clause, or phrase of this ordinance should be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this ordinance, which shall remain in full force and effect; and to this end the provisions of this ordinance are hereby declared to be severable.

Section 14. Effective Date.

- 14.1 This ordinance shall become effective thirty (30) days after enactment.

Merle Bugbee
Denton Butt
Peter Knutson
BOARD OF SELECTMEN

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* * *

WPCAREGULATIONS and BYLAWS

Appendix 4. Old Lyme Ordinance Concerning the Regulation and Management of on-Site Sewage Disposal Systems (Chg 6)

This appendix contains a copy of the Old Lyme Ordinance Concerning the Regulation and Management of On- Site Sewage Disposal Systems approved at a Town meeting held on May 19, 1997 and with an effective date of June 18, 1997. It consisted of six (6) pages.

This appendix contains a copy of the Old Lyme Ordinance approved at a Town Meeting held on Monday 23 January 2006. The Regulation approved on 23 January 2006 added a new section 7a pertaining to Violations and Penalties. The new Section 7a is attached to Appendix 4 blue cover page and incorporated into Appendix 4 as well. (Chg 6) Effective March 7, 2006)

Attachment 1: " An Ordinance Concerning the Regulation and Management of On- Site Sewage Disposal Systems" effective June 18, 1997 is hereby amended to add a new Section 7a, as follows: (see attachment 1)

2. Two page NOTICE OF VIOLATION to be given to a "homeowner" pursuant to the ordinance of the Town of Old Lyme entitled Ordinance Concerning the Regulation and Management of On-Site Sewage Disposal Systems as adopted June 18, 1997 and January 23, 1996.

AMENDMENT TO CHAPTER 133
Sewage Disposal Systems

Section 133-8(a). Violations and Penalties.

Resolved: That the ordinance entitled "An Ordinance Concerning the Regulation and Management of On-Site Sewage Disposal Systems" effective June 18, 1997 is hereby amended to add a new Section 7a, as follows:

Section 7a - Violations and Penalties

(a) The WPCA is hereby authorized to instruct its designated agent, the Director of Health and/or the Sanitarian, to issue a Notice of Violation to any property owner who, in violation of Section 6(a), neglects, fails or refuses to have the on-site sewage disposal system, tank and/or cesspool located on their property pumped out according to the requirements of this section or any regulation adopted by the WPCA pursuant to Section 6(b).

(b) Such notice shall be in writing, set forth the nature of the violation of this ordinance, and be served upon the owner in accordance with the provisions of Connecticut General Statutes Section 52-57 or 52-59a, as applicable.

Such notice shall specify that the property owner has thirty (30) days in which to correct the violation by having the on-site sewage disposal system located on their property pumped out in accordance with the requirements of this section.

(c) Any property owner notified in accordance with this section who fails to correct said violation by the date specified in said notice shall be in violation of this ordinance and subject to its penalties and enforcement procedures.

(d) Each violation of this ordinance shall be considered a separate municipal offense. Each day any violation of this ordinance continues shall constitute a separate offense. Each separate offense under this ordinance shall be punishable by a fine of One Hundred Dollars (\$100.00) payable to the Town of Old Lyme.

(e) Any person who receives a Notice of Violation in accordance with this Section may appeal said Notice to the Board of Selectmen, in writing, within ten (10) days of the date of said Notice, and request a hearing on said violations. All such appeals shall be considered, and all hearings shall be conducted, in accordance with the provisions of subsection (f) below.

(f) The Town hereby specifically adopts the provisions of Connecticut General Statutes Section 7-152c for the establishment of an appeal and citation hearing process for considering all appeals under this Ordinance.

(g) The WPCA, by its designated agent, the Director of Health and/or Sanitarian, is hereby authorized to initiate legal proceedings in the Superior Court for the correction of any violation, collection of any fines, and the recovery of all costs including reasonable attorneys' fees incurred by the WPCA to enforce the terms of this ordinance.

NOTICE OF VIOLATION

This Notice of Violation is given to you pursuant to the ordinance of the Town of Old Lyme entitled "Ordinance Concerning the Regulation and Management of On-Site Sewage Disposal Systems" as adopted May 19, 1997 and amended Jan. 23, 2006.

Name: _____

Address: _____

Details of Allegation: _____

Amount of Fine: _____

IMPORTANT NOTICE

YOU HAVE THE RIGHT TO CONTEST YOUR LIABILITY BEFORE A CITATION HEARING OFFICER BY DELIVERING A WRITTEN NOTICE, IN PERSON OR BY MAIL, ADDRESSED TO

**BOARD OF SELECTMEN
52 LYME STREET
P.O. BOX 160
OLD LYME, CT 06371**

WITHIN TEN DAYS OF THE DATE OF THIS NOTICE. IF YOU DO NOT DEMAND SUCH A HEARING, AN ASSESSMENT AND JUDGMENT SHALL BE ENTERED AGAINST YOU WITHOUT FURTHER NOTICE.

IF YOU WISH TO ADMIT LIABILITY FOR ANY ALLEGED VIOLATION YOU MAY, WITHOUT REQUESTING A HEARING, PAY THE FULL AMOUNT OF THE FINE IN PERSON OR BY MAIL TO THE ADDRESS PROVIDED ABOVE.

IF YOU DO NOT DELIVER OR MAIL EITHER A WRITTEN DEMAND FOR A HEARING OR THE FINE SET FORTH HEREIN WITHIN TEN DAYS, YOU WILL BE DEEMED TO HAVE ADMITTED LIABILITY

IF YOU DO MAKE WRITTEN DEMAND FOR A HEARING, YOU SHALL BE GIVEN WRITTEN NOTICE OF THE DATE, TIME AND PLACE FOR THE HEARING, WHICH SHALL BE HELD NOT LESS THAN FIFTEEN DAYS NOR MORE THAN THIRTY DAYS FROM THE DATE OF THIS NOTICE OF VIOLATION.

Date: _____

Issuing Official

AN ORDINANCE
CONCERNING THE REGULATION AND MANAGEMENT
OF
ON-SITE SEWAGE DISPOSAL SYSTEMS

RESOLVED: There is hereby adopted an ordinance for regulation of on-site sewage disposal systems for the Town of Old Lyme (Town) to be administered by (a) the Water Pollution Control Authority of the Town of Old Lyme (WPCA), and (b) the Director of Health, who both shall employ a common agent, who shall be a sanitarian certified under Chapter 395 of the General Statutes of Connecticut. The qualifications of the agent and/or personnel under his supervision who are engaged in the investigation, inspection and approval of on-site sewage disposal systems shall include the attendance at training courses and passing examinations given by the State of Connecticut Department of Public Health. The purposes of this ordinance are as follows:

- (1) To protect the quality and quantity of the Town's water resources;
- (2) To eliminate the need for centralized wastewater collection and treatment;
- (3) To designate a regulatory body whose primary concern is water pollution control;
- (4) To limit the Town's liability for the design, construction and performance of on-site sewage disposal systems;
- (5) To ensure the enforcement of state and town health codes on a continuing basis in a manner that is fair to all property owners;
- (6) To alert property owners to existing or potential problems with their on-site sewage disposal systems while any damage to such systems and the costs of any repairs thereto are as minimal as possible;
- (7) To develop on-site wastewater disposal system inspection data from all areas of the Town which can be used by the Water Pollution Control Authority in a wastewater management plan for the entire town; and
- (8) To educate property owners about the proper care and maintenance procedures to follow for on-site wastewater disposal systems.

Section 1. Adoption of Public Health Code.

(a) Section 19-13-B103 and 19-13-B104 of the Regulations of Connecticut State Agencies, established pursuant to C.G.S. §13a-36, and all amendments including technical standards thereto hereinafter adopted, are hereby incorporated by reference in this ordinance and made a part hereof.

(b) The Town of Old Lyme Public Health Code, as may be adopted by ordinance by the Town of Old Lyme, as amended from time to time, including all technical standards therein, is hereby incorporated by reference in this ordinance and made part hereof.

(c) The codes adopted in subsections (a) and (b) are hereinafter collectively referred to as the Public Health Code.

Section 2. Definitions.

(a) Areas of special concern. Those areas designated by the WPCA from time to time in accordance with Section 3 herein.

(b) Approved professional engineers. A professional engineer, licensed to practice in Connecticut, who provides a current professional liability policy with respect to liability for loss, damage, and expense caused by any negligent act or omission of the professional engineer or its personnel during performance of its service.

(c) Approved septic system designer. Licensed septic system installers or Registered Sanitarians who are knowledgeable about the design, and construction of on-site sewage disposal systems; who are approved by the WPCA to prepare designs for said systems including their repair or expansion; and who provide a current professional liability policy with respect to liability for loss, damage, and expense caused by any negligent act or omission of the licensed septic system installer or Registered Sanitarian or their personnel during the performance of its service.

(d) Malfunctioning system. An on-site sewage disposal system shall be deemed to be a malfunctioning system if sewage is allowed to contaminate ground or surface water or to discharge or flow from it into any storm drain, stream, gutter, street roadway or public place or if sewage discharges from said system to the surface of any private property so as to create a nuisance or condition detrimental to health as determined by the Director of Health or his agent.

(e) Modification or expansion of an existing system. Work to be done to an existing on-site sewage disposal system shall be deemed a modification or expansion of an existing system for the purposes of this ordinance if the system is enlarged or modified for the purpose of accommodating changes in the building(s) it serves. Modification or expansion of an existing system shall expressly not include the repair of a malfunctioning system.

(f) On-site sewage disposal system. A system for the treatment and disposal of less than 2,000 gallons per day of sewage derived from residences and businesses consisting of a building sewer; a septic tank followed by a leaching system, any necessary pumps and siphons, and any ground water control system on which the operation of the leaching system is dependent. The definition for any term for which the meaning is not already provided, or is otherwise not clear, shall be the same definition as is provided in the Public Health Code cited above.

Section 3. Areas of Special Concern.

The WPCA is hereby authorized to designate certain areas of the Town of Old Lyme and individual systems within the town as areas of special concern. Such designation shall result from investigation by the WPCA or its agents which indicates that such an area of the Town or individual septic system is at risk, due to soil conditions, topography, density of population, and the like, or to problems with the on-site sewage disposal systems located therein.

Section 4. Site Evaluation and Installation of New Systems.

(a) All on-site sewage disposal systems constructed after the effective date of this ordinance shall be designed and their construction supervised by an approved professional engineer, or approved septic system designer and the design and construction shall be done in accordance with all requirements of the Public Health Code, subject to exceptions which may be granted in accordance with the provisions of said code.

(b) No building shall be constructed, expanded or substantially altered unless and until the owner of such building or his agent has applied for and received approval of the existing on-site sewage disposal system facilities for such building from the Director of Health or his agent. All facilities meeting the requirements of this ordinance, and the Public Health Code shall be so approved.

(c) No existing on-site sewage system shall be repaired, reconstructed, modified or expanded unless and until the owner of such on-site sewage system or his agent has applied

for and received approval of the on-site sewage disposal system facilities for such building from the Director of Health or his agent subject to exceptions which may be granted in accordance with the provisions of the Public Health Code. The application for construction shall include all information required by said Public Health Code. All systems meeting the requirements of this ordinance and the Public Health Code shall be so approved.

(d) All applications for approval for work under subsections (a) through (c) above shall be filed with the WPCA and the Director of Health or their agent and shall be accompanied by a sufficient plan prepared by an approved professional engineer or approved septic system designer, together with such other information as may be required by the Public Health Code and the regulations of the WPCA and such fee as may be set in accordance with Section 7 of this ordinance, payable to the Town of Old Lyme.

(e) Upon completion of construction of a new on-site sewage disposal system under subsection (a) above, or the completion of the modification or expansion of an existing on-site sewage disposal system under subsection (c) above, an approved professional engineer or the approved septic system designer who prepared the application and plan shall submit as-built drawings or provide such information as may be required by conditions of the permit, the Public Health Code, and the regulations of the WPCA. An approved professional engineer or the approved septic system designer who prepared the application and plan shall also submit with said as-built plans a written certification to the Town of Old Lyme stating that (i) the installed system conforms in all respects to the design drawings made part of the application; (ii) all requirements of the design have been met; and (iii) the location, elevation and construction of all components meet the design.

(f) As a part of the final approval of any such new on-site sewage system under subsection (a) above, or the completion of the repair, reconstruction, modification or expansion of an existing sewage system under subsection (c) above, the Director of Health, the WPCA and/or their agent may require, pursuant to the Public Health Code and such regulations as may be adopted by the WPCA hereunder, monitoring of the operation of said system on an ongoing basis following its completion.

Section 5. Site Investigations.

(a) The Director of Health or his agent shall have, as set forth in this section, the right of entry onto any land in the Town for the purposes of conducting inspections of on-site sewage disposal systems and performing such

tasks as the Director of Health or his agent, in his discretion, determine are advisable for the purpose of disclosing whether or not said system is malfunctioning, Said right of access shall be limited to those instances where a written complaint has been filed or where there is specific reason to believe that there is in existence a malfunction or a condition which violates the provisions of this ordinance, in which case written records shall be made and maintained indicating said reason. Except in emergency situations, the Director of Health or his agent shall, before making such entry onto such land, provide written notice to the owner of such property, as such owner's name and address are indicated in the records of the assessor's office of the Town, indicating that the Director of Health believes that a malfunction or other condition which violates the provisions of this ordinance exists and that he intends to make such inspections. Such notice shall also indicate that such owner may, within (5) days of the date of such notice, provide such information as may be reasonably required by the Director of Health or his agent to assess such condition. If such information is provided within such time period and if such information is sufficient to permit the Director of Health or his agent to fully assess such alleged malfunction or other condition then the Director of Health or his agent shall not need to make such entry. If such information is not provided within such time, or if in the discretion of the Director of Health or his agent, such information is not sufficient to fully assess such matter, then the Director of Health or his agent may enter upon such property in order to make such inspections. In emergency situations, no such notice shall be required. If the Director of Health or his agent determine that such system is malfunctioning or that there is in existence a condition which violates the provisions of this ordinance, then he shall deliver to such property owner written notice advising of such malfunction or other condition and directing that the same be abated as required by this article or the Public Health Code.

Section 6. Maintenance of Existing Systems.

(a) All septic tanks, cesspools and similar receptacles serving on-site sewage disposal systems located within the Town shall be pumped out not less than once in every seven year period.

The sanitarian shall maintain a record of each such pump out and copy of each liquid waste disposal ticket, which records shall be the property of the WPCA. Each liquid waste disposal ticket shall be filed out by the cleaner to indicate the origin of the load, the date of pumping and such data regarding the system pumped as the WPCA may require.

(b) The WPCA is hereby authorized to adopt regulations to effectuate the provisions of this Section, and may by such regulation, require a more frequent schedule of pumping for specific systems or areas of special concern as identified pursuant to Section 3 herein.

Section 7. Enforcement

The WPCA, the Director of Health and their agent shall be charged with the enforcement of this ordinance. The agent of the WPCA and the Director of Health shall prepare reports for the WPCA, the scope of such reports shall be established by it, and he shall appear at meetings of the WPCA as deemed necessary by the WPCA.

The WPCA is hereby authorized to establish fees, which fees shall be in writing and shall be effective upon majority vote of the WPCA following a public hearing held by such WPCA, of which legal notice thereof has been published in a newspaper having general circulation in the Town not less than five (5) days prior to such hearing, and upon subsequent publication of such adoption in a newspaper having general circulation in the Town. Such fees shall be required by this ordinance, and such fees shall be paid at the time any such application is submitted.

Section 7a - Violations and Penalties

(a) The WPCA is hereby authorized to instruct its designated agent, the Director of Health and/or the Sanitarian, to issue a Notice of Violation to any property owner who, in violation of Section 6(a), neglects, fails or refuses to have the on-site sewage disposal system, tank and/or cesspool located on their property pumped out according to the requirements of this section or any regulation adopted by the WPCA pursuant to Section 6(b).

(b) Such notice shall be in writing, set forth the nature of the violation of this ordinance, and be served upon the owner in accordance with the provisions of Connecticut General Statutes Section 52-57 or 52-59a, as applicable.

Such notice shall specify that the property owner has thirty (30) days in which to correct the violation by having the on-site sewage disposal system located on their property pumped out in accordance with the requirements of this section.

(c) Any property owner notified in accordance with this section who fails to correct said violation by the date specified in said notice shall be in violation of this ordinance and subject to its penalties and enforcement procedures.

(d) Each violation of this ordinance shall be considered a separate municipal offense. Each day any violation of this ordinance continues shall constitute a separate offense. Each separate offense under this ordinance shall be punishable by a fine of One Hundred Dollars (\$100.00) payable to the Town of Old Lyme.

(e) Any person who receives a Notice of Violation in accordance with this Section may appeal said Notice to the Board of Selectmen, in writing, within ten (10) days of the date of said Notice, and request a hearing on said violations. All such appeals shall be considered, and all hearings shall be conducted, in accordance with the provisions of subsection (f) below.

(f) The Town hereby specifically adopts the provisions of Connecticut General Statutes Section 7-152c for the establishment of an appeal and citation hearing process for considering all appeals under this Ordinance.

(g) The WPCA, by its designated agent, the Director of Health and/or Sanitarian, is hereby authorized to initiate legal proceedings in the Superior Court for the correction of any violation, collection of any fines, and the recovery of all costs including reasonable attorneys' fees incurred by the WPCA to enforce the terms of this ordinance.

Section 8. Adoption of Regulations.

The WPCA is authorized to adopt reasonable rules and regulations and any amendments thereto to put this ordinance into effect. Such rules and regulations, and any amendments thereto, shall be in writing and shall be effective upon majority vote of the WPCA following a public hearing held by such WPCA, of which legal notice thereof has been published in a newspaper having general circulation in the Town not less than five (5) days prior to such hearing, and upon subsequent publication of notice of such adoption in a newspaper, having general circulation in the Town.

Section 9. Conflicting Provisions.

In any case where this ordinance or any regulation enacted hereinunder is found to be in conflict with any provision of the Public Health Code, or any state statute, the more restrictive shall apply.

APPENDIX 5

Effective water quality testing standards for Old Lyme.

Reference - - - Annual Budget Meeting, May 18, 1998 Vol #8

Title - - - - - Ordinance Establishing Minimum Requirements for
Water Quality in Private Residential Wells

Effective Date - - - - June 5, 1998

**TITLE: ORDINANCE ESTABLISHING MINIMUM REQUIREMENTS FOR
WATER QUALITY IN PRIVATE RESIDENTIAL WELLS**

EFFECTIVE:

Be It Resolved by the Town of Old Lyme in Town Meeting convened that, in order to safeguard the purity and potability of residential well water, the following ordinance be adopted:

The standards for water quality testing performed on private residential well water for wells located within the Town of Old Lyme shall meet the standards established by the Environmental Protection Agency, as amended. Current EPA standards shall be posted at all times in the office of the Director of Health for the Town of Old Lyme.

Water Analysis Interpretive Guide provided by the Old
Lyme Health Department Agent.

Coliform bacteria are not disease-producing organisms themselves, but are used as an indicator of disease-producing organisms. When coliform bacteria are present, this is a good indication that the source of the water may have been contaminated by surface water or fecal material, and may contain disease-producing organisms. Chlorination is the best method for eliminating bacteria from the water, but the source of contamination should be located and treated so the problem does not recur.

Water color may be caused by dissolved organic material from decaying vegetation and/or certain inorganic material such as iron or manganese. While color is not objectionable from a health standpoint, its presence is aesthetically objectionable and suggests that the water needs appropriate treatment.

Odor in the water can be caused by foreign matter such as organic compounds, inorganic salts or dissolved gases. These materials may come from domestic, agricultural or natural sources. The AL has been set according to aesthetic values but acceptable waters should be free of any objectionable odor.

Turbidity is the presence of suspended material such as clay, silt, plankton, finely divided organic material and other inorganic materials. Turbidity in excess of 5 units are detectable in a glass of water and are usually objectionable for aesthetic reasons. The most common method of removing turbidity is with a filter system.

When any physical property exceeds the AL, knowledge concerning the chemical quality is important in order to determine what treatment, if any, is required to make the water acceptable for use.

Ammonia nitrogen is a product of the microbiological decay of plant and animal protein and is commonly used in commercial fertilizers. Ammonia nitrogen in ground waters is normal therefore, unless the nitrite or nitrate nitrogen, or the bacteria level is also elevated, high ammonia nitrogen is of little concern.

An elevated nitrate nitrogen level may be an indication that agricultural fertilizer or waste disposal is polluting the water. The AL of 10 mg/L has been established to prevent a disease called methemoglobinemia "blue baby disease" in infants. Nitrates can be removed by reverse osmosis and ion exchange resins.

pH is a measure of the acid or alkaline content of water. Water with a low pH (acidic) is corrosive to plumbing and may cause leaching of toxic metals such as lead or copper. Soda ash can be added to the feed water to effectively raise the pH.

The AL for chloride was established primarily as an aesthetic standard. The concentration at which the average person can detect a salty taste in water is 250 mg/L. A very high chloride level can lead to corrosiveness of water on pipes and heating equipment and is usually associated with a high sodium level. Elevated chlorides may be caused by sewage contamination, run-off from road salting or an improperly maintained water softener.

For healthy persons, the sodium content of water is relatively unimportant because the intake of sodium from other drinks and foods is so much greater. Persons following a low sodium diet because of hypertension, kidney, or cardiovascular disease should be concerned with an elevated level of sodium. The usual low sodium diet allows 20 mg/L in the drinking water. Elevated sodium levels are likely to be seen with the use of a water softener. Other possible causes are run-off from road salting or sewage contamination.

Iron levels above 0.3 mg/L can discolor fixtures and laundry and may impart a metallic taste to the water. Iron is frequently present in water because of the large amounts present in soil. Corrosive water will also pick up iron from pipes. Common methods for removing iron from the water are aeration or chlorination of the water followed by filtration of the iron.

Manganese at levels greater than .05 mg/L may produce a brownish black stain in laundry and on fixtures and impart an objectionable odor and taste. It is usually found along with iron in soil with a high mineral content. Oxidation followed by a greensand filter is a common method of manganese removal.

Copper in small amounts is not considered detrimental to health, but will impart an undesirable taste to drinking water. For this reason, the recommended limit is set at 1.3 mg/L. High levels are usually due to low pH and low hardness in the water.

Calcium and magnesium salts are the major cause of hardness in water supplies. Although not detrimental to health, hard water retards the cleaning action of soaps and detergents. When hard water is heated, it will deposit a hard scale on heating coils and cooking utensils with a consequent waste of fuel. A water softening system is the most common method of lowering the hardness in water. The following is a scale on which to compare your water hardness; [0-75] low/soft, [76-150] moderate, [151-250] hard, [over 250] very hard.

TOWN OF OLD LYME, CONNECTICUT

Office of
DIRECTOR OF HEALTH

April 14, 1998

To: Timothy Griswold
First Selectman

From: Ronald E. Rose
Agent for the Director of Health

Re: Request for new Town Ordinance

Requirements for water quality in private residential wells.
These requirements must meet those of E.P.A. Standards.

A copy of the E.P.A. Standards are attached. The reason for the ordinance is to ensure the safety and health of all residents of Old Lyme.

**BACTERIOLOGICAL &
PHYSICAL**

Coliform Bacteria, M.F.	col/100 ml	None Present	9222A	0
Chlorine	mg/l	less than 0.1 mg/l	4500-C1G	0.1
Color, Apparent	Units	15 Standard Units	2120B	1
Turbidity	Units	5 (NTU)	2130B	0.05
pH		6.4 - 8.5 range	4500H-B	0.1
Oooc	Units	2	2150B	0

INORGANIC CHEMICALS-PRIMARY

	mg/l	mg/l		mg/l
Chloride	mg/l	250 mg/l	4500-C1-B	1
Fluoride	mg/l	2.0 mg/l	4500F-B	0.1
Lead	mg/l	0.015 mg/l	3113B	0.005
Nitrite-N	mg/l	1.0 mg/l	354.1	0.01
Nitrate-N/Nitrite-N	mg/l	10.0 mg/l	4500-NO3E	0.1

INORGANIC CHEMICALS-SECONDARY

Iron	mg/l	0.30 mg/l	3500-FeD	0.01
Manganese	mg/l	0.05 mg/l	3500-MnD	0.01
Sodium	mg/l	28 mg/l	3500-NaD	2
Copper	mg/l	1.3 mg/l	3500-CuD	0.1
Hardness (CaCO ₃)	mg/l	200 mg/l	130.2	5
MBAS (Surfactants)	mg/l	0.5 mg/l	5540C	0.02

OTHER TESTS

Alkalinity	mg/l		2320B	1
Ammonia-Nitrogen	mg/l		4500-NR3C	0.006
Conductivity	umho/cm		2510B	0.1
Fecal Coliform	col/100 ml	None Present	9222D	0
Heterotrophic Plate Count	col/ml		9215C	
Oil and Grease, Total	mg/l		413.1	1
Orthophosphate	mg/l	5 mg/l	4500P-E	0.05
Sulfate	mg/l	250 mg/l	4500 SO F	2
Total Dissolved Solids	mg/l	1000 mg/l	160.1	10

Test Results of this sample meet the current limits of the EPA or other Standards listed above.

Test Results of this sample exceed the Maximum Contaminant Level of the EPA or